

URGENCY ORDINANCE NO. 1734

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ENACTING (1) A TEMPORARY EMERGENCY MORATORIUM UPON HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING AIRBNBS, OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FROM CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR HOMELESS HOUSING PURPOSES OR USES WITHOUT PRIOR CITY APPROVAL, (2) A TEMPORARY EMERGENCY MORATORIUM ON THE USE OF HOTELS, MOTELS, SHORT TERM RENTALS, INCLUDING, AIRBNBS OR OTHER RESIDENTIAL PROPERTIES FOR HIRE OR RENT LOCATED IN THE CITY OF LYNWOOD FOR CONVERTING OR UTILIZING THEIR BUSINESSES OR PROPERTIES FOR COVID-19 HOUSING OR RELATED USES OR PURPOSES WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY

WHEREAS, international, national, state, and local health and governmental authorities are responding to a pandemic outbreak of a respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a "state of emergency" throughout the State in response to COVID-19, and in furtherance of this proclamation has issued several Executive Orders that include extraordinary measures directed at slowing the spread of COVID-19 and reducing impacts to residents and businesses; and

WHEREAS, since the initial declaration of a "state of emergency" Governor Newsom has issued additional Executive Orders in an effort to address the circumstances surrounding the impacts created by COVID-19; and

WHEREAS, given these conditions, on March 16, 2020, the City Council of the City of Lynwood proclaimed the existence of a local emergency to allow prompt response to emergency conditions at the local level, and provide the City access to federal, state, and local resources during the crisis; and

WHEREAS, on March 19, 2020, in an unprecedented step to slow the spread of COVID-19, Governor Newsom issued Executive Order No. 33-20 ordering all California residents and businesses to stay and work at home for an indeterminate period of time, at least through April 19, 2020, with the only exceptions from this order being essential services and industries; and

WHEREAS, the City Council has reconsidered the conditions giving rise to the “local emergency” proclamation made by the City Council on March 16, 2020, and has determined that the conditions giving rise to the local emergency continue to exist, and in fact have become more dire since the original proclamation was made; and

WHEREAS, the City Council desires to temporarily prohibit and impose a moratorium upon owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their businesses or property for homeless housing purposes or uses, without prior City approval; and

WHEREAS, the City Council desires to temporarily prohibit and impose a moratorium upon owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for COVID-19 housing or related uses or purposes, without prior City approval; and

WHEREAS, the City Council further finds and declares, restates and reaffirms the importance of local control during this emergency period of COVID-19, as established in California Government Code Section 8634 and other provisions of law, and in order to protect the public health and safety of the residents and business owners/operators of the City of Lynwood; and

WHEREAS, the City Council finds this Ordinance is a temporary moratorium intended to (1) promote safety and well-being for the residents and general public within the City of Lynwood, (2) protect the unlawful use of properties in a manner inconsistent with the City’s General Plan, Zoning Codes or other Municipal Code provisions, and (3) avoid unscrupulous and unauthorized uses of hotels, motels, short-term rentals, including Airbnbs, or other residential uses from unsanctioned housing or COVID-19 related uses, thereby serving the public peace, health, safety, and public welfare of the residents of the City of Lynwood; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council has duly considered all evidence presented in connection with its consideration of this Ordinance, which justify adoption of this Ordinance as an emergency measure to be effective immediately upon adoption by a majority vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Lynwood hereby finds and determines that all of the foregoing recitals are true and correct and are incorporated as part of the City’s findings.

Section 2. The City Council of the City of Lynwood finds that this action is exempt under the California Environmental Quality Act (CEQA), because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378.

Section 3. Authority. The City Council of the City of Lynwood hereby adopts this Urgency Ordinance as an emergency measure pursuant to Government Code Section 36934 for the immediate preservation of the public peace, health, and safety, and is adopted and justified based on the findings of the City Council in Recitals of this Ordinance; which are supported by substantial evidence in the record associated with the City Council’s consideration hereof.

Section 4. During the period of local public health emergency and/or local emergency declared in response to COVID-19, a temporary moratorium is hereby imposed to prohibit owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for homeless housing purposes or uses, without prior City approval. Any request for such use must be evaluated by City staff and approved by the City Council prior to such use being put into effect. For purposes of this Ordinance, “short term rental” shall mean any structure or residential dwelling unit rented to a paying guest for a period of not less than 12 hours and for a maximum of 29 consecutive days.

Section 5. During the period of local public health emergency and/or local emergency declared in response to COVID-19, a temporary moratorium is hereby imposed to prohibit owners and/or operators of hotels, motels, short-term rentals, including Airbnbs, or other residential properties for hire or rent located in the City of Lynwood from converting or utilizing their business or property for COVID-19 housing or related uses or purposes, without prior City approval. Any request for such use must be evaluated by City staff and approved by the City Council prior to such use being put into effect. For purposes of this Ordinance, “short term rental” shall mean any structure or residential dwelling unit rented to a paying guest for a period of not less than 12 hours and for a maximum of 29 consecutive days.

Section 6. During the period of local public health emergency and/or local emergency declared in response to COVID-19, the City Council further finds, declares, restates and reaffirms the importance of local control during this emergency period of COVID-19, as established in California Government Code Section 8634 and other provisions of law, in order to protect the public health and safety of the residents and business owners/operators of the City of Lynwood. Specifically, the City Council hereby recognizes and confirms its authority and control as found in California Government Code Section 8634, which states: “During a local emergency the governing body of a political subdivision...may promulgate orders and regulations necessary to provide for the protection of life and property....” (Emphasis added.)

Section 7. The City Council authorizes the City Manager to develop and adopt rules related to the City's approval process.

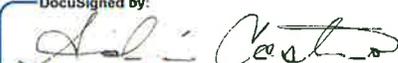
Section 8. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

Section 9. The City Council of the City of Lynwood hereby passes this Urgency Ordinance by a four-fifths vote of the City Council.

Section 10. The City Clerk shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

Section 11. This Ordinance shall go into effect and be in full force and effect immediately upon adoption.

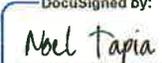
PASSED, APPROVED, AND ADOPTED at a special meeting of the City Council of the City of Lynwood, California, this **23rd** day of **April, 2020**

DocuSigned by:

Aide Castro, Mayor

ATTEST:


Maria Quinonez,
City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Noel Tapia,
City Attorney

APPROVED AT TO CONTENT:

DocuSigned by:

Jose Ometeotl,
City Manager

STATE OF CALIFORNIA)
) §
COUNTY OF LOS ANGELES)

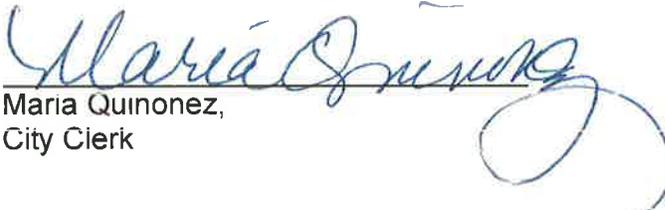
I, the undersigned, City Clerk of the City of Lynwood, do hereby certify that the above and foregoing ordinance was duly adopted by the City Council of the City of Lynwood at a special meeting held in the City Hall of said City on the **23rd** day of **April, 2020**, and passed by the following vote:

**AYES: COUNCIL MEMBERS ALATORRE, SANTANA, SOLACHE, MAYOR
 PROTEM CASANOVA, AND MAYOR SOLACHE**

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Maria Quinonez,
City Clerk